



1643
PATENT APPLICATION
Docket NO.: PATH99-09A

THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Lynn Doucette-Stamm and David Bush
Application No.: 09/450,969 Group: 1643
Filed: November 29, 1999
For: Nucleic Acid and Amino Acid Sequences Relating to *Staphylococcus Epidermidis* for Diagnostic and Therapeutics

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

on 9-11-01 Donna Bush
Date Signature

DONNA BOUDREAU
Typed or printed name of person signing certificate

REPLY TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Responsive to the Restriction Requirement dated April 11, 2001, the claims of Group 1 (Claims 1-10) drawn to a *S. Epidermidis* derived polynucleotide, a recombinant vector, a transformed cell, method for producing said expressed protein and additional election to nucleotide SEQ ID NO:1835 which encodes polypeptide SEQ ID NO:5607, are hereby provisionally elected for prosecution subject to the traversal discussed below. Applicants reserve the right to file a continuing application or take such other appropriate action as deemed necessary to protect the invention of Group II (Claim 17), Group III (Claims 24 and 27 through 31), Group IV (Claims 11 through 16 and 18 through 23), and Group V (Claims 25 through 26). Applicants do not hereby abandon or waive any rights in the Group II -Group V inventions. The restriction requirement is being traversed for the reasons presented below.

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-2-

A three-month extension of time to respond to the Restriction Requirement is respectfully requested. A petition for a four-month extension of time and the appropriate fee are being filed concurrently.

Applicants' representative submits the following amendments to comply with the "Sequence Election Requirement Application to All Groups" as described above.

Reasons for Traversal

Applicants believe that the Groups as defined by the Examiner do not represent distinct inventions. Specifically, Applicants propose that the claim of Group III (Claim 27) be rejoined with those of Group V (Claims 25 and 26).

Applicants respectfully traverse Examiner's grouping of Claim 27 into Group III. Claim 27 is directed to "[A] computer based system for identifying fragment of the Staphylococcus plasmids...." This claim similar to Claim 25 which is directed to a computer readable medium and even more similar to Claim 26 which is directed to "[A] computer based system for identifying fragment of the Staphylococcus genome...." Examiner has identified Group III as relating to Claims 24, 27-31 "drawn to a method of detecting a S. Epidermidis derived polynucleotide via hybridization, classified in class 435, subclass 6." Claim 27 is more related to Claims 25-26 which Examiner has placed into Group V, "drawn to computer based system and a computer readable medium."

Applicants therefore respectfully traverse and request that the claims of Group III (Claim 27) be rejoined with that of Group V (Claims 25 and 26).

Respectfully submitted,

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